

Atty. Docket No. JP919990098PCT
(590.051)

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner.

In the outstanding Office Action dated November 28, 2005, pending Claims 15-18, 23, 28, 30-33, and 38-42 were rejected. (Claims 22, 24-27, 29 and 37 have been previously withdrawn from consideration per a restriction requirement.) Of these claims, Claims 15, 23, 28, and 30 are independent claims; the remaining claims are dependent claims. Claims 19-21 and 34-36 are found to be directed toward patentable subject matter and thus objected to for depending upon a rejected base claim, but allowable if rewritten in independent form.

Claims 15-18, 23, 28, and 30-33 stand rejected under 35 USC § 102(e) as being anticipated by Nakamura et al. (hereinafter "Nakamura"). Claims 38-42 stand under 35 USC § 103(a) over Nakamura in view of Yamane et al. (hereinafter "Yamane"). The Office is respectfully requested to reconsider the rejections presented in the outstanding Office Action in light of the following remarks.

Instantly, the independent claims have been amended. Claim 15 now recites, *inter alia*, "[m]eans for embedding part or all of the additional information into said buffered small domain data without changing the length of the video data stream based on the determination whether the embedding of all the additional information will change the length of the video data stream and where the embedding of all the additional information is determined to change the length of the video data stream, embedding ½ of the

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additional data if the embedding of $\frac{1}{2}$ does not change the length of the video data stream.” (Claim 15) The Applicants intend no change in the scope of the claims by the changes made by this amendment. It should be also appreciated these amendments are not in acquiescence of the Office’s position on allowability of the claims, but merely to expedite prosecution.

As the Examiner rightly indicates with regard to the similar subject matter of claims 19 and 34, the applied references fail to disclose, teach, or suggest an invention in which, broadly speaking, a determination is made whether to embed $\frac{1}{2}$ of the additional data where the entire addition of the data would result in the overall length of the original data stream being increased. As explained in the Applicants’ disclosure, heretofore data in watermarking systems have not been directly embedded in the data stream because the embedding results in the length of the resulting data stream being increased, thereby negatively impacting the ability of the systems to deal with content packets. At least one embodiment of the present invention, as set forth in the independent claims, overcomes this problem and, moreover, the applied references by allowing such embedding of data to be accomplished without a change resulting in data length.

As the Examiner is aware, a rejection under section 102 requires that all of the limitations of the claims be expressly or inherently disclosed. Furthermore, a *prima facie* case of obviousness under section 103(a) requires, at a minimum, that all the limitations of the claims be taught or suggested to one skilled in the art by the references. Since neither of the statutory requirements is satisfied, the Applicants suggest the claims are immediately and properly allowable.

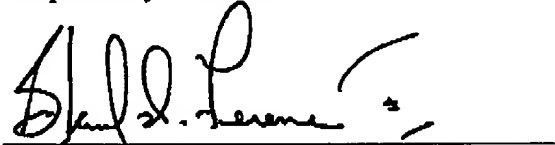
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In view of the foregoing, it is respectfully submitted that independent Claims 15, 23, 28, and 30 fully distinguish over the applied art and are thus allowable. By virtue of dependence from Claims 15 and 30, it is also submitted that Claims 16-21 and 31-42 are also allowable at this juncture.

Applicants acknowledge that Claims 19-21 and 34-36 were indicated by the Examiner as being allowable if rewritten in independent form. Applicants reserve the right to file new claims of such scope at a later date that would still, at that point, presumably be allowable.

In summary, it is respectfully submitted that the instant application, including Claims 15-21, 23, 28, 30-36, and 38-42, is presently in condition for allowance. Notice to the effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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